

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

DESHAWN PETERSON,

Petitioner,

v.

CIVIL CASE NO. 1:23-00576

WARDEN ROKOSKY,

Respondent.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). See ECF No. 3. Magistrate Judge Eifert submitted her Proposed Findings and Recommendation ("PF&R") to the court on August 9, 2024, in which she recommends that (1) this court dismiss petitioner's Section 2241 Petition (ECF No. 1), and (2) remove this action from the court's active docket. See ECF No. 11.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, to object to the PF&R. The failure of any party to file timely objections constitutes a waiver of such party's right to a de novo review by this court. See Snyder v. Ridenour, 889

F.2d 1363 (4th Cir. 1989). Petitioner did not file objections to the PF&R.

Accordingly, the court adopts the factual and legal analysis contained within the PF&R; **DISMISSES** petitioner's Section 2241 Petition (ECF No. 1); and **DIRECTS** the Clerk to remove this matter from the court's docket.

Additionally, the court has considered whether to grant a certificate of appealability. See 28 U.S.C. § 2253(c). A certificate will not be granted unless there is "a substantial showing of the denial of a constitutional right." Id. § 2253(c)(2). The standard is satisfied only upon a showing that reasonable jurists would find that any assessment of the constitutional claims by this court is debatable or wrong and that any dispositive procedural ruling is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). The court concludes that the governing standard is not satisfied in this instance. Accordingly, the court **DENIES** a certificate of appealability.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to petitioner pro se.

It is **SO ORDERED** this 19th day of September, 2024.

ENTER:



David A. Faber

2 Senior United States District Judge